

**DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX**

U.S. District Judge: Susan M. Brnovich

Date: September 13, 2019

USA v. Lacey et al

Case Number: CR-18-00422-PHX-SMB

AMENDED

Assistant U.S. Attorney: Kevin Rapp, Andrew Stone, Peter Kozinets, Margaret Perlmeter, Reginald Jones

Defendant-1: Michael Lacey

Interpreter: N/A

Attorney for Defendant: Paul Cambria, Janey Henze-Cook, Tom Henze, Retained

Defendant: X Present Not Present/Waived ☒ Released ☐ Custody

Defendant-2: James Larkin

Interpreter: N/A

Attorney for Defendant: Thomas Bienert Jr., Whitney Bernstein, Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

Defendant-3: Scott Spear

Interpreter: N/A

Attorney for Defendant: Bruce Feder, Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

Defendant-4: John Brunst

Interpreter: N/A

Attorney for Defendant: Ariel Neuman Retained

Defendant: ☒ Present ☐ Not Present ☒ Released ☐ Custody ☐ Summons ☐ Writ

Defendant-6: Andrew Padilla

Interpreter: N/A

Attorney for Defendant: David Eisenberg, CJA

Defendant: ☐ Present ☒ Not Present ☒ Released/Waived ☐ Custody ☐
Summons ☐ Writ

Defendant-7: Joye Vaught

Interpreter: N/A

Attorney for Defendant: David Eisenberg for Joy Bertrand, CJA

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Motion hearing held.

Court addresses email from counsel dated 9/11/2019 in relation to missing documents or pleadings from the Court docket. Court advises the parties that there is nothing on the docket that is secretive or missing about a 1/3 of the documents on the list are filed by defense attorneys. A 1/3 of the documents were documents filed under seal at the request of defense counsel to preserve the record and the other 1/3 relate to bond of release conditions.

The parties second email sent on 9/12/2019 in relation to discovery issues addressed. 1st issue -Upon receipt of the FedEx package, if defendants feel there is something missing, discuss with the government. 2nd issue- Court's order with respect to limitations on the Jencks Act material is clarified that the order is limited to the government's interview memorandum of Carl Ferrer, all civil discovery material that remains under the protective order and other Jencks materials not publically available. However, if defendants think there is something else that should be removed from the protective order, they are permitted to file a specific motion with their designations. 3rd issue- Government shall produce the cooperation addendum, plea agreement for Carl Ferrer, the transcript of the proceedings regarding his cooperation and the proffer letters, all documents referenced by in the Ferrer interview report and Bate stamped copies of the Ferrer interview reports and related documents by 9/27/2019. In that disclosure, the documents referenced in the Ferrer interview should be marked in the same manner as they were reference in the interview.

Motion for Discovery (doc. 531) discussed and taken under advisement.

Motion to Compel (doc. 643) discussed. Court will set an evidentiary hearing for 10/3/2019 at 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m.

Court Reporter Christine Coaly
Deputy Clerk Traci Abraham

Start: 11:00 AM
Stop: 12:10 PM